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**APR 28 2004**

April 28, 2004

To: Assistant Commissioner for Patents FAX # (703) 872-9306  
Washington, D.C. 20231

**Attention: Examiner KIMBERLY S. SMITH**  
**Group Art Unit 3644**  
**Phone Number: (703) 305-8515**

**Re: OFFICIAL COMMUNICATION UNDER 37 CFR §1.111**

The following is an OFFICIAL COMMUNICATION filed in the below-identified U.S. Patent Application.

<b>Application No.</b>	:	<b>09/700,863</b>	<b>Confirmation No. 2839</b>
<b>Applicant</b>	:	<b>Philip E. Howse</b>	
<b>Filed:</b>	:	<b>November 21, 2000</b>	
<b>TC/Art Unit:</b>	:	<b>3644</b>	
<b>Examiner</b>	:	<b>Kimberly S. Smith</b>	
<b>Docket No.</b>	:	<b>A0-1269</b>	

Submitted by:  
Gary M. Hartman  
Reg. No. 33,898

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Gary M. Hartman

Date: April 28, 2004

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. :	09/700,863	Confirmation No. <b>2839</b>
Applicant :	Philip E. Howse	
Filed:	November 21, 2000	
TC/Art Unit:	3644	
Examiner	Kimberly S. Smith	
Docket No.	A0-1269	
Customer No.	27127	

**COMMUNICATION UNDER 37 CFR §1.111**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Please find attached a Declaration under 37 CFR §1.132, signed by applicant Philip E. Howse for consideration by the Examiner. Applicant Howse's Declaration is in response to rejections set forth in an Office Action dated August 12, 2003 (Paper No. 8).

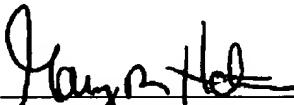
Application No. 09/700,863  
Docket No. A0-1269  
Communication dated April 28, 2004

As the sole inventor of the present application and each of the Howse documents applied by the Examiner under the outstanding rejections, Applicant Howse submits his Declaration for the purpose of clarifying various issues in dispute, particularly regarding the Examiner's interpretation of the Howse documents. For example, Applicant Howse attests through his Declaration that his traps disclosed in the Howse documents require the use electrostatically-charged particles. Applicant Howse's Declaration also addresses the Examiner's argument that the particles described in the Howse documents "may become electrostatically charged during operation," which the Examiner based on the following phrase at column 4, lines 8-13, of Howse: "Frictional charging of the particles . . . may take place . . . during operation." As the sole inventor of the Howse documents, Applicant Howse is in the unique position to both explain what was meant by this phrase, as well as how one skilled in the art would interpret this phrase. In his Declaration, Applicant Howse explains why the particles disclosed in the Howse documents must be electrostatically charged prior to use of the disclosed trap, and are not rendered airborne in the manner required by the present claims, regardless of how fine Howse's particles may be.

Application No. 09/700,863  
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Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

By   
Gary M. Hartman  
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April 28, 2004  
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Attachment: Declaration under 37 CFR 1.132